

First Principles.

NATIONAL SECURITY AND CIVIL LIBERTIES

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REFORMING THE
INTELLIGENCE AGENCIES

In This Issue: Reforming the Intelligence Agencies:
Proposals of the ACLU, the Ford Administration,
and the Pike Committee

Coming: April: ACLU Class Action Surveillance Suits

February 9, 1976 The Chesapeake and Potomac Telephone Co., a defendant in the national security wiretap lawsuit of journalist Tad Szulc and his wife Marianne, described its 36-year role in assisting the FBI with national security wiretaps as "purely technical" and that it relied on the good faith of the government as to legality. (*Washington Post*, 2/10/76)

February 11, 1976 To avoid appearances of "improper use" by the agency, DCI George Bush announced that the CIA will terminate full or part-time employment of reporters with US news organizations. Bush denied any secret CIA contracts with American missionaries or clergy and refused to make public the names of journalists or clergy who had cooperated with them in the past. (*Washington Post*, 2/12/76, p. 1)

February 12, 1976 The CIA denied a *New York Times* FOIA request for names of American and foreign news organizations providing cover for American intelligence-gathering operations. The agency based its refusal on the claim that such information would disclose identities of sources and details of methods. Director Bush assured the *Times* that no full-time *Times* staffers were currently being "used operationally" by the CIA, but that it was not CIA policy to comment on part-time correspondents. (*New York Times*, 2/13/76)

February 12, 1976 A confidential CIA memorandum revealed that Director of Central Intelligence William Colby had approved a secret study on the legal basis for foreign and domestic activities of the intelligence agencies. The study concluded that, prior to the 1974 Foreign Assistance Act, there existed no legal or constitutional grounds for the CIA's covert political or military operations without advance Congressional approval. This directly contradicts the CIA's public position that the President has constitutional authority to conduct such operations. (*New York Times*, John M. Crewdson, 2/13/76)

February 15, 1976 In a CBS television interview, CIA Director George Bush, declined to report whether CIA funds were being used in Angola, and referred his questioners to Congress for further information, "which I hope they wouldn't give." (*New York Times*, 2/16/76)

February 16, 1976 Completing a two-year study inspired by Nixon administration scandals, the ABA annual meeting approved recommendations to "depoliticize" federal law enforcement: creating machinery to establish a special prosecutor under specified conditions; and prohibiting the appointment of individuals who have played leading roles in presidential campaigns to the post of Attorney General. (*Washington Post*, 2/17/76)

February 17, 1976 The Attorney General issued temporary rules permitting the FBI to investigate news leaks of previously secret information when requested by the Attorney General to do so. According to a Justice Department spokesperson, such approval will be given only when there is probable cause to believe that a federal law has been violated. (*Washington Post*, 2/17/76)

February 25, 1976 A Virginia prosecutor asked the Justice Department for evidence in a 1971 break-in of a photographic studio, ordered by then-Director Helms, which was allegedly intended to recover missing CIA documents. The prosecutor is also considering asking the department for its evidence in CIA plots against the life of Fidel Castro. (*New York Times*, 2/26/76)

February 24, 1976 President Ford invoked executive privilege in ordering the FBI and NSA not to comply with the request of a House subcommittee for information about government interception of telegraph and Telex messages. The subcommittee voted the following day to recommend contempt citations against present and former FBI and NSA employees. Claiming that release of such records would endanger national security, Ford also instructed Western Union not to produce documents; Chairperson Bella Abzug suggested Ford may be covering up an ongoing interception program. The companies later agreed to provide material. (*New York Times*, 2/25 & 2/26/76)

In The
News

It is at all times necessary, and more particularly so during the progress of a revolution and until right ideas confirm themselves by habit, that we frequently refresh our patriotism by reference to first principles.

THOMAS PAINE